

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: March 28, 2007

Signature: 

(Michael H. Teschner)

Docket No.: SEDERM 3.3-010
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of:
Karl Lintner

Application No.: 10/523,333

Group Art Unit: 1655

Filed: August 29, 2005

Examiner: A. L. Clark

For: COSMETIC OR DERMOPHARMACEUTICAL
COMPOSITIONS CONTAINING KOMBUCHA

RESPONSE TO REQUIREMENT FOR ELECTION OF SPECIES

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Office Action mailed February 26, 2007, setting forth a non-responsive reply to the Restriction Requirement in the above-identified application. In the Office Action, the Examiner required Applicant to expressly identify an elected species and identify the claims readable on the elected invention as set forth in the Office Action dated September 28, 2006. In addition, the undersigned would like to thank the Examiner for the courtesy she extended during a telephone conversation which occurred on the morning of March 12, 2007 between the Examiner and another attorney from this office.

In response, Applicants hereby elect:

Specie A: The black tea plant from which kombucha is derived; Claim 13.

Specie B: The black tea plant from which kombucha is derived; Claim 14.

Specie C: A formulation for skin care; Claim 21.

Specie D: A liposome; Claim 19.

Specie E: A surfactant; Claim 22.

An action on the merits is now respectfully awaited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, the Examiner is invited to telephone the undersigned at 908-654-5000 so as to overcome any additional objections.

In the event any fee is due in connection with the present response, the Examiner is authorized to charge Applicant's Deposit Account No. 12-1095 therefor.

Dated: March 28, 2007

Respectfully submitted,

By 

Michael H. Teschner

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